

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4008

To authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1994

Mr. ORTIZ (for himself, Mr. WELDON, Mr. STUDDS, Mr. FIELDS of Texas, Mr. LIPINSKI, Mr. MANTON and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

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## A BILL

To authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Oceanic and  
5       Atmospheric Administration Authorization Act of 1994”.

6       **SEC. 2. DEFINITIONS.**

7       For the purposes of this Act, the term—

8               (1) “Act of 1890” means the Act entitled “An  
9       Act to increase the efficiency and reduce the ex-

penses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture”, approved October 1, 1890 (26 Stat. 653);

(2) “Act of 1947” means the Act entitled “An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes”, approved August 6, 1947 (33 U.S.C. 883a et seq.); and

(3) “Act of 1970” means the Act entitled “An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes”, approved December 31, 1970 (33 U.S.C. 857–1 et seq.).

## **TITLE I—NOAA OCEAN AND COASTAL PROGRAMS**

### **SEC. 101. NATIONAL OCEAN SERVICE.**

#### **(a) MAPPING AND CHARTING.—**

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out mapping and charting activities under the Act of 1947 and any other law involving

1       those activities, \$28,500,000 for fiscal year 1994  
2       and \$29,505,000 for fiscal year 1995.

3           (2) AUTOMATED NAUTICAL CHARTING.—In ad-  
4       dition to amounts authorized under paragraph (1),  
5       there are authorized to be appropriated to the Sec-  
6       retary of Commerce, to enable the National Oceanic  
7       and Atmospheric Administration to develop and im-  
8       plement an automated nautical charting system,  
9       \$1,300,000 for fiscal year 1994 and \$1,300,000 for  
10      fiscal year 1995.

11      (b) GEODESY.—There are authorized to be appro-  
12     priated to the Secretary of Commerce, to enable the Na-  
13     tional Oceanic and Atmospheric Administration to carry  
14     out geodesy activities under the Act of 1947 and any other  
15     law involving those activities, \$17,900,000 for fiscal year  
16     1994 and \$19,332,000 for fiscal year 1995.

17      (c) OBSERVATION AND PREDICTION.—

18           (1) IN GENERAL.—There are authorized to be  
19     appropriated to the Secretary of Commerce, to en-  
20     able the National Oceanic and Atmospheric Adminis-  
21     tration to carry out observation and prediction ac-  
22     tivities under the Act of 1947 and any other law in-  
23     volving those activities, \$11,800,000 for fiscal year  
24     1994 and \$12,423,000 for fiscal year 1995.

1           (2) CIRCULATORY SURVEY PROGRAM.—In addi-  
2           tion to amounts authorized under paragraph (1),  
3           there are authorized to be appropriated to the Sec-  
4           retary of Commerce, to enable the National Oceanic  
5           and Atmospheric Administration to carry out the  
6           Circulatory Survey Program, \$700,000 for fiscal  
7           year 1994 and \$700,000 for fiscal year 1995.

8           (3) OCEAN AND EARTH SCIENCES.—In addition  
9           to amounts authorized under paragraph (1), there  
10          are authorized to be appropriated to the Secretary  
11          of Commerce, to enable the National Oceanic and  
12          Atmospheric Administration to carry out ocean and  
13          earth science activities, \$4,442,000 for fiscal year  
14          1994 and \$4,442,000 for fiscal year 1995.

15          (4) CENTER FOR OCEAN ANALYSIS AND PRE-  
16          DICTION.—In addition to amounts authorized under  
17          paragraph (1), there are authorized to be appro-  
18          priated to the Secretary of Commerce, to enable the  
19          National Oceanic and Atmospheric Administration  
20          to continue the activities of the Center for Ocean  
21          Analysis and Prediction, \$400,000 for fiscal year  
22          1994 and \$400,000 for fiscal year 1995.

23          (d) ESTUARINE AND COASTAL ASSESSMENT.—

24                 (1) IN GENERAL.—In addition to amounts au-  
25                 thorized under paragraph (1), there are authorized

1 to be appropriated to the Secretary of Commerce, to  
2 enable the National Oceanic and Atmospheric ad-  
3 ministration to support estuarine and coastal assess-  
4 ment activities under the Act of 1947 and any other  
5 law involving those activities, \$2,420,000 for fiscal  
6 year 1994 and \$2,420,000 for fiscal year 1995.

7 (2) OCEAN ASSESSMENT.—In addition to  
8 amounts authorized under paragraph (1), there are  
9 authorized to be appropriated to the Secretary of  
10 Commerce, to enable the National Oceanic and At-  
11 mospheric Administration to carry out the National  
12 Status and Trends Program, the Strategic Environ-  
13 mental Assessment Program, and the Hazardous  
14 Materials Response Program, \$17,369,000 for fiscal  
15 year 1994 and \$19,000,000 for fiscal year 1995.

16 (3) DAMAGE ASSESSMENT PROGRAM.—In addi-  
17 tion to amounts authorized under paragraph (1),  
18 there are authorized to be appropriated to the Sec-  
19 retary of Commerce, to enable the National Oceanic  
20 and Atmospheric Administration to carry out the  
21 Damage Assessment Program, \$1,200,000 for fiscal  
22 year 1994 and \$1,200,000 for fiscal year 1995.

23 (4) COASTAL OCEAN PROGRAM.—In addition to  
24 amounts authorized under paragraph (1), there are  
25 authorized to be appropriated to the Secretary of

1 Commerce to, enable the National Oceanic and At-  
2 mospheric Administration to carry out the Coastal  
3 Ocean Program, \$11,400,000 for fiscal year 1994  
4 and \$11,433,000 for fiscal year 1995. Of the  
5 amounts authorized under this paragraph for fiscal  
6 years 1994 and 1995, a total of \$200,000 is avail-  
7 able until expended to study the use of oceano-  
8 graphic data obtained from satellite imagery and  
9 other sources to determine and predict the presence  
10 of endangered sea turtles in the Gulf of Mexico.

11 **SEC. 102. OCEAN AND GREAT LAKES RESEARCH.**

12 (a) MARINE PREDICTION RESEARCH.—

13 (1) IN GENERAL.—There are authorized to be  
14 appropriated to the Secretary of Commerce, to en-  
15 able the National Oceanic and Atmospheric Adminis-  
16 tration to carry out marine prediction research ac-  
17 tivities under the Act of 1947, the Act of 1890, and  
18 any other law involving those activities, \$9,200,000  
19 for fiscal year 1994 and \$10,000,000 for fiscal year  
20 1995.

21 (2) GREAT LAKES ENVIRONMENTAL RESEARCH  
22 LABORATORY.—

23 (A) IN GENERAL.—There are authorized to  
24 be appropriated to the Secretary of Commerce,  
25 for the operation and maintenance of the Great

1           Lakes Environmental Research Laboratory,  
2           \$4,558,000 for fiscal year 1994 and \$4,558,000  
3           for fiscal year 1995.

4           (B) GREAT LAKES NEARSHORE RE-  
5           SEARCH.—There are authorized to be appro-  
6           priated to the Secretary of Commerce, to enable  
7           the National Oceanic and Atmospheric Admin-  
8           istration to carry out nearshore research activi-  
9           ties of the Great Lakes Environmental Re-  
10          search Laboratory, \$200,000 for fiscal year  
11          1994 and \$200,000 for fiscal year 1995.

12          (3) SOUTHEAST FLORIDA AND CARIBBEAN RE-  
13          CRUITMENT PROGRAM.—In addition to amounts au-  
14          thorized under paragraph (1), there are authorized  
15          to be appropriated to the Secretary of Commerce a  
16          total of \$2,000,000 for fiscal years 1994 and 1995  
17          to enable the National Oceanic and Atmospheric Ad-  
18          ministration to carry out, through the Cooperative  
19          Institute for Marine and Atmospheric Studies, col-  
20          laborative investigations to examine the physical and  
21          biological processes which—

22                 (A) occur in tropical marine environments  
23                 in coastal waters of the United States, Florida,  
24                 and the Caribbean; and

1 (B) impact variability and development of  
2 fisheries resources.

3 **TITLE II—ADMINISTRATION AND**  
4 **OTHER ACCOUNTS**

5 **SEC. 201. PROGRAM SUPPORT.**

6 (a) MARINE SERVICES.—There are authorized to be  
7 appropriated to the Secretary of Commerce, to enable the  
8 National Oceanic and Atmospheric Administration to  
9 carry out marine services activities (including ship oper-  
10 ations, maintenance, and support) under the Act of 1947  
11 and any other law involving those activities, \$62,037,000  
12 for fiscal year 1994 and \$63,588,000 for fiscal year 1995.

13 **TITLE III—MISCELLANEOUS**  
14 **NOAA PROGRAMS**

15 **SEC. 301. NAUTICAL PRODUCTS.**

16 (a) DEPOSIT AND USE OF RECEIPTS FROM NAU-  
17 TICAL PRODUCTS.—Notwithstanding section 1307(b) of  
18 title 44, United States Code, one-sixth of the fees collected  
19 each fiscal year from the sale of nautical products by the  
20 National Oceanic and Atmospheric Administration and  
21 from any licensing of those products by the National Oce-  
22 anic and Atmospheric Administration which is authorized  
23 by law—



1           (1) shall be deposited into the Operations, Re-  
2           search, and Facilities account of the National Oce-  
3           anic and Atmospheric Administration; and

4           (2) shall be available to the Secretary of Com-  
5           merce, in the manner provided for under section  
6           312(d) of the National Marine Sanctuaries Act, only  
7           for the acquisition and installation of Physical Ocean  
8           Real-Time Systems, the acquisition and maintenance  
9           of upgraded hydrographic survey equipment, and  
10          other National Ocean Service activities directly relat-  
11          ed to the modernization and improvement of mari-  
12          time safety.

13          (b) BUDGETARY TREATMENT OF RECEIPTS FROM  
14          NAUTICAL PRODUCTS.—Amounts deposited and available  
15          to the Secretary of Commerce under subsection (a) (1)  
16          and (2)—

17               (1) shall not be considered to be offsetting re-  
18               ceipts of the National Oceanic and Atmospheric Ad-  
19               ministration or the Department of Commerce; and

20               (2) shall not be available for administrative  
21               costs of the National Oceanic and Atmospheric Ad-  
22               ministration or the Department of Commerce.

23          (c) DEPLOYMENT OF PHYSICAL OCEAN REAL-TIME  
24          SYSTEM.—No later than 180 days after the date of enact-  
25          ment of this Act, the Secretary of Commerce shall deploy,

1 in Galveston Bay and the Houston Ship Channel a Phys-  
2 ical Ocean Real-Time System consisting, at a minimum,  
3 of current, wind, tide, salinity, and water level measuring  
4 devices and necessary computer links.

5 **SEC. 302. USE OF OCEAN RESEARCH RESOURCES OF OTHER**  
6 **FEDERAL AGENCIES.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) Changes in the defense needs of the United  
9 States have redefined the status of many defense-re-  
10 lated assets.

11 (2) Observing, monitoring, and predicting the  
12 ocean environment has been a high priority for the  
13 defense community to support ocean operations.

14 (3) Many advances in ocean research have been  
15 made by the defense community which could be  
16 shared with civilian researchers.

17 (4) The National Oceanic and Atmospheric Ad-  
18 ministration's missions to describe and predict the  
19 ocean environment, manage the Nation's ocean and  
20 coastal resources, and promote stewardship of the  
21 world's oceans would benefit from increased coopera-  
22 tion with defense agencies.

23 (b) SENSE OF CONGRESS.—It is the sense of the  
24 Congress that the National Oceanic and Atmospheric Ad-  
25 ministration should expand its efforts to develop inter-

1 agency agreements to further the use of defense-related  
2 technologies, data, and other resources to support its oce-  
3 anic missions.

4 **SEC. 303. NAUTICAL CHARTING MODERNIZATION AND IM-**  
5 **PROVEMENT.**

6 (a) STUDY.—Not later than 120 days after the date  
7 of the enactment of this Act, the Secretary of Commerce  
8 shall submit to the Committee on Merchant Marine and  
9 Fisheries of the House of Representatives and the Com-  
10 mittee on Commerce, Science, and Transportation of the  
11 Senate a report on the status of National Ocean and At-  
12 mospheric Administration programs related to marine  
13 navigation safety.

14 (b) CONTENTS.—The study under subsection (a)  
15 shall include the funding history of navigation-related pro-  
16 grams of the National Oceanic and Atmospheric Adminis-  
17 tration, adjusted for inflation, over at least the last 10  
18 fiscal years, and detailed findings and recommendations  
19 on the following:

20 (1) The missions and objectives of National  
21 Oceanic and Atmospheric Administration's naviga-  
22 tion-related programs, including regarding the statu-  
23 tory or other authorities that enable or require the  
24 National Oceanic and Atmospheric Administration  
25 to conduct those programs.

1           (2) The technological, financial, or other factors  
2           that limit the National Oceanic and Atmospheric  
3           Administration's ability to modernize its navigation-  
4           related programs.

5           (3) Near-term actions, without regard to finan-  
6           cial constraints, that are required to enable National  
7           Oceanic and Atmospheric Administration to address  
8           critical deficiencies in its navigation-related pro-  
9           grams.

10          (4) Actions that need to be taken to allow the  
11          National Oceanic and Atmospheric Administration  
12          to fulfill its navigation-related responsibilities into  
13          the 21st century.

14          (5) A comparison of the resources and activities  
15          of National Oceanic and Atmospheric Administra-  
16          tion's navigation-related programs with those of  
17          other Federal agencies supporting the United States  
18          maritime infrastructure.

19          (6) Past organizational changes within the Na-  
20          tional Oceanic and Atmospheric Administration and  
21          foreseeable future organizational changes that have  
22          affected, or would affect, the ability of the National  
23          Oceanic and Atmospheric Administration to provide  
24          navigation-related services.

1 **SEC. 304. MULLICA RIVER RESEARCH RESERVE.**

2       The Secretary of Commerce shall give priority consid-  
3 eration to designating Mullica River, New Jersey, as a na-  
4 tional estuarine reserve under section 315(b) of the Coast-  
5 al Zone Management Act of 1972 (16 U.S.C. 1461(b)).

6 **SEC. 305. WEST COAST GROUND FISH LABORATORY.**

7       In selecting a site for placement of a replacement for  
8 the National Marine Fisheries Service Lab at Tiburon,  
9 California, the Secretary of Commerce shall take into ac-  
10 count the following factors:

11           (1) The proximity of sites considered to—

12                   (A) groundfish fisheries, salmon fisheries,  
13                   and other unique marine study areas;

14                   (B) academic and private research institu-  
15                   tions which conduct relevant marine habitat  
16                   and environmental research;

17                   (C) other National Oceanic and Atmos-  
18                   pheric Administration research and manage-  
19                   ment elements; and

20                   (D) other Federal, State, and private ma-  
21                   rine related research facilities.

22           (2) The ability of the National Oceanic and At-  
23           mospheric Administration to retain current staff.

24           (3) The relative construction and operation  
25           costs, including the potential for collocation with  
26           other Federal facilities.

1 **SEC. 306. MARINE SANCTUARIES FACILITIES.**

2 Not later than 120 days after the date of the enact-  
3 ment of this Act, the Secretary of Commerce shall report  
4 to the Committee on Merchant Marine and Fisheries of  
5 the House of Representatives and the Committee on Com-  
6 merce, Science, and Transportation of the Senate on re-  
7 quirements for needs of the Department of Commerce for  
8 facilities (including real property for facilities) for the Na-  
9 tional Marine Sanctuary Program established under the  
10 National Marine Sanctuaries Act (16 U.S.C. 1431 et  
11 seq.).

12 **SEC. 307. SAN FRANCISCO BAY PORTS SYSTEM.**

13 (a) IN GENERAL.—The Secretary of Commerce  
14 (hereinafter in this section referred to as the “Secretary”)  
15 shall establish for San Francisco Bay in accordance with  
16 this section the safe navigation system known as the Phys-  
17 ical-Oceanographic Real-Time System (known, and herein-  
18 after in this section referred to, as the “PORTS System”),  
19 after completion of implementation of section 301(c).

20 (b) STUDY.—After completion of implementation of  
21 section 301(c), and not later than 1 year after the date  
22 of that completion, the Secretary shall conduct a  
23 hydrodynamics modeling study of San Francisco Bay to  
24 determine the appropriate technology and equipment and  
25 the effective placement of instruments for the establish-  
26 ment of the PORTS System for San Francisco Bay.

1 (c) IMPLEMENTATION.—

2 (1) IN GENERAL.—Not later than 1 year after  
3 the completion of the study under subsection (b), the  
4 Secretary, in consultation with the State of Califor-  
5 nia Office of Oil Spill Prevention and Response and  
6 subject to paragraph (2), shall acquire, install, and  
7 activate appropriate equipment to establish an oper-  
8 ational PORTS System for the San Francisco Bay.

9 (2) CONDITION.—The Secretary may not take  
10 any action under paragraph (1) unless the State of  
11 California Office has provided to the Secretary ade-  
12 quate assurances that the State will fund the oper-  
13 ation and maintenance of the PORTS System for  
14 San Francisco Bay after its installation.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated to the Secretary to carry  
17 out this section \$4,200,000 for fiscal years 1995 and  
18 1996.

19 **SEC. 308. CONVEYANCE OF NATIONAL MARINE FISHERIES**  
20 **SERVICE LABORATORY AT GLOUCESTER,**  
21 **MASSACHUSETTS.**

22 (a) CONVEYANCE REQUIRED.—

23 (1) IN GENERAL.—The Secretary of Commerce  
24 shall convey to the Commonwealth of Massachusetts,  
25 all right, title, and interest of the United States in

1 and to the property comprising the National Marine  
2 Fisheries Service laboratory located on Emerson Av-  
3 enue in Gloucester, Massachusetts.

4 (2) TERMS.—A conveyance of property under  
5 paragraph (1) shall be made—

6 (A) without payment of consideration; and

7 (B) subject to the terms and conditions  
8 specified under subsections (b) and (c).

9 (b) CONDITIONS FOR TRANSFER.—

10 (1) IN GENERAL.—As a condition of any con-  
11 veyance of property under this section, the Common-  
12 wealth of Massachusetts shall assume full respon-  
13 sibility for maintenance of the property for as long  
14 as the Commonwealth retains the rights and title to  
15 that property.

16 (2) CONTINUED USE OF PROPERTY BY NMFS.—  
17 The Secretary may enter into a memorandum of un-  
18 derstanding with the Commonwealth of Massachu-  
19 setts under which the National Marine Fisheries  
20 Service is authorized to occupy existing laboratory  
21 space on the property conveyed under this section,  
22 if—

23 (A) the term of the memorandum of un-  
24 derstanding is for a period of not longer than



1           5 years beginning on the date of enactment of  
2           this Act; and

3           (B) the square footage of the space to be  
4           occupied by the National Marine Fisheries  
5           Service does not conflict with the needs of, and  
6           is agreeable to, the Commonwealth of Massa-  
7           chusetts.

8           (c) REVERSIONARY INTEREST.—All right, title, and  
9           interest in and to all property and interests conveyed  
10          under this section shall revert to the United States on the  
11          date on which the Commonwealth of Massachusetts uses  
12          any of the property for any purpose other than the Com-  
13          monwealth of Massachusetts Division of Marine Fisheries  
14          resource management program.

15   **SEC. 309. REIMBURSEMENT OF EXPENSES.**

16          (a) IN GENERAL.—Notwithstanding section 3302 (b)  
17          and (c) of title 31, United States Code, and subject to  
18          subsection (b), all amounts received by the United States  
19          in settlement of, or judgment for, damage claims arising  
20          from the October 9, 1992, allision of the vessel  
21          ZACHERY into the National Oceanic and Atmospheric  
22          Administration research vessel DISCOVERER—

23                 (1) shall be retained as an offsetting collection  
24          in the Fleet Modernization, Shipbuilding, and Con-

1 version account of the National Oceanic and Atmos-  
2 pheric Administration;

3 (2) shall be deposited in that account upon re-  
4 ceipt by the United States Government; and

5 (3) shall be available only for obligation for Na-  
6 tional Oceanic and Atmospheric Administration ves-  
7 sel repairs.

8 (b) LIMITATION.—Not more than \$518,757.09 of the  
9 amounts referred to in subsection (a) may be deposited  
10 into the Fleet Modernization, Shipbuilding, and Conver-  
11 sion account pursuant to subsection (a).

12 **SEC. 310. NOAA FLEET MODERNIZATION.**

13 (a) AUTHORITY TO CONTRACT.—

14 (1) IN GENERAL.—The Secretary may enter  
15 into only the following contracts in fiscal year 1995  
16 to implement the Plan:

17 (A) A service life extension for the R/V  
18 OCEANOGRAPHER.

19 (B) Construction of a medium endurance  
20 oceanographic research vessel.

21 (C) A service life extension of the R/V  
22 DELAWARE II.

23 (D) Conversion of a T-AGOS vessel for  
24 oceanographic research.

1 (E) Conversion of a T-AGOS vessel for  
2 mapping and charting.

3 (F) Construction of a coastal/low endur-  
4 ance vessel for living marine research.

5 (G) Leasing to fulfill any NOAA mission  
6 requirements.

7 (H) Necessary repairs to and maintenance  
8 of any vessel in the NOAA fleet, subject to sub-  
9 section (b).

10 (I) Necessary requirements, designs, and  
11 specifications for future vessel repair, conver-  
12 sion, construction, or lease.

13 (2) CONTRACT DEFINED.—Section 602 of the  
14 NOAA Fleet Modernization Act (33 U.S.C. 891) is  
15 amended by adding at the end the following:

16 “(6) ‘contract’ means any contract or other  
17 agreement for the construction, conversion, lease,  
18 chartering, service life extension, or repair or main-  
19 tenance of any vessel of the NOAA fleet, and provi-  
20 sion of related equipment, including the development  
21 of any necessary requirement, design, or specifica-  
22 tion. The term includes contracts entered into on be-  
23 half of the Secretary by another Federal depart-  
24 ment, agencies, or instrumentality, if the vessel  
25 which is the subject of the contract will be operated

1 by or for the benefit of the Department of Com-  
2 merce.”.

3 (b) LIMITATION ON EXPENDITURES FOR REPAIRS  
4 AND MAINTENANCE.—Section 606 of the NOAA Fleet  
5 Modernization Act (33 U.S.C. 891d) is amended by add-  
6 ing at the end the following:

7 “(d) LIMITATION ON EXPENDITURES FOR REPAIR  
8 AND MAINTENANCE.—

9 “(1) IN GENERAL.—Notwithstanding any other  
10 law, of the amount appropriated for a fiscal year to  
11 the Fleet Modernization, Shipbuilding, and Conver-  
12 sion Account of the National Oceanic and Atmos-  
13 pheric Administration, not more than 10 percent  
14 may be expended by the Secretary for repairs and  
15 maintenance of vessels in the NOAA fleet.

16 “(2) APPLICATION.—Paragraph (1) applies to  
17 amounts appropriated for a fiscal year after fiscal  
18 year 1991.”.

19 (c) DEFINITIONS.—In this section each of the terms  
20 “contract”, “NOAA”, “NOAA fleet”, “Plan”, and “Sec-  
21 retary” has the meaning given to that term in section 602  
22 of the NOAA Fleet Modernization Act (33 U.S.C. 891),  
23 as amended by this section.

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